HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JUDRISDICTION
Dated Nainital the May 4th, 2006
Criminal Misc. Second Bail Application No. 361 of 2006
Order on the bail application of the accused.

CRIMINAL SIDE

Raghuvir Singh
S/o Sri Bachan Singh
R/o Village Panchangaon,
Patti Dhanari
Tehsil- Dunda, District-Uttarkashi ……Applicant

Versus

State of Uttaranchal ……. Opposite Party

Arising out of case crime No. 1 of 2006
Under Sections 363, 366, 368, 376 IPC
Patwari Chauki Thati, Dhanari Tehsil Dunda
District Uttarkashi

Hon'ble J.C.S. Rawat, J.

Heard Sri Vinod Sharma learned counsel for the applicant, and learned AGA for the State.

Perused the record. This is the second bail application. The first bail application was rejected on merit.

Perused the record. New ground has been taken in the second bail application. There are several love letters written by the victim to the applicant. The prosecutrix and the applicant-accused are the students of the same college. It was contended on behalf of the applicant that the letters written by the victim to the applicant show that there was a love affair between them and as such the victim went with the applicant with her own accord. It was contended that the victim was more than 16 years of age at the time of occurrence. The FIR itself shows that the date of birth of the victim is 01.07.1989. It was also contended that the victim was a consenting party. The said letters had not been filed in the first bail application. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 04.05.2006
Shiv